

OGC HAS REVIEWED.

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REGULATION
NO. [REDACTED]

PERSONNEL

25X1A

EMPLOYMENT OF CONSULTANTS AND EXPERTS

25X1A

Rescissions: (1) CIA Regulation [REDACTED] 25X1A.
(2) Confidential Funds Regulations [REDACTED]
(3) CIA Notices [REDACTED] 25X1A

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1. GENERAL

This Regulation establishes policies and procedures for the employment of consultants and experts in accordance with the authorities contained in Section 15 of the Act of August 2, 1946 (Public Law 600, 79th Congress) [REDACTED]

2. DEFINITIONS

a. CONSULTANT

A consultant is an individual with special skills, knowledge or experience, whose advice and guidance are furnished on an intermittent basis in the accomplishment of highly specialized functions. He may perform duties such as conferring with operating officials and recommending solutions to problems of a highly technical nature, serving as a technical advisor in regard to projects essential to operational activities, assisting

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operating officials in devising new and highly specialized methods or techniques of operations, and acting in a consultative capacity as a specialist in a highly technical field of knowledge. He may not perform duties of a supervisory or administrative nature. He will not be assigned to operational activities except as necessary in the performance of duties outlined above, since his function is to advise rather than to execute.

b. EXPERT

An expert is an individual who is exceptionally qualified by education and experience in a particular line to perform a regular service of a highly technical or administrative nature essential to the accomplishment of a certain specialized function of the Agency mission. He performs duties such as developing and putting into effect solutions to operating problems of a highly technical nature, supervising the execution of a highly technical function, conducting responsible activities which are an integral part of operating procedures, and making operational decisions as a specialist in a highly technical field of knowledge. Though his service is limited in duration and usually intermittent, an expert may have continuing operational and administrative responsibilities during each period of actual duty, since his primary function is to carry out specialized operations for which his training and experience qualify him.

3. POLICY

The Agency will obtain the services of consultant and expert personnel when there is a need for such specialized services which cannot be met from available

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personnel resources. The employment of consultants and experts is not authorized as a means of evading regular employment procedures or of exceeding regular personnel authorizations. The authority to grant final approval for the employment of specific individuals as consultants or experts rests with the Director of Central Intelligence.

4. RESPONSIBILITIES

- a. Deputy Directors, the Assistant Director/Communications, and the Director of Training, as appropriate, are responsible for assuring that the utilization of consultant and expert services is consistent with Agency policy as set forth in Section 3 above.
- b. The Assistant Director (Personnel) is responsible for assuring that the procedural requirements set forth in this Regulation are observed and for conducting periodic reviews of the employment or extensions of the employment of consultants and experts.

5. PRIOR APPROVALS AND CONTACT CLEARANCE

- a. No approach will be made to any person respecting service as an Agency consultant or expert without the clearance of a Deputy Director, Assistant Director/Communications or the Director of Training, [as appropriate]. The office concerned shall also obtain a favorable indices check from the Security Office on a prospective consultant or expert before any approach is made.
- b. No commitment of any kind will be made to a prospective consultant or expert prior to the submission of a formal request to the Personnel Office and approval of the proposed employment by the Director of Central Intelligence.

6. PROCEDURES FOR REQUESTING AND PROCESSING EMPLOYMENT OF CONSULTANTS & EXPERTS

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- a. Requests for the employment of consultants and experts shall be submitted on Standard Form No. 52, Request for Personnel Action, and shall be directed to the Personnel Office. Such requests shall include the following information:
- (1) Contemplated use, frequency of use and duration of employment
 - (2) Explanation why existing Agency consultants or other personnel resources cannot be utilized
 - (3) Personal History Statement, or memorandum setting forth pertinent biographical data on individual recommended
 - (4) Proposed rate of compensation (Consider whether "Without Compensation" is appropriate)
- b. Before requesting the employment of a consultant or expert on a compensation basis, heads of Agency components shall give consideration to the possibility of obtaining the individual's services on a "without compensation" (WOC) basis, on the premise that many highly-qualified persons are willing to furnish intermittent service to the Agency without monetary reward. Such cases will be formalized in the same manner as cases of paid consultants and experts in order to permit the individuals concerned to receive the other benefits to which consultants and experts are entitled.
- c. The Personnel Office will review each request for the employment of a consultant or expert to determine if existing personnel resources are adequate to meet the requirement. This will be accomplished primarily through a check of two qualifications registers maintained by the Personnel

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Office: the Consultant Qualifications Register and the Employee Qualifications Register. If these Registers indicate that the Agency already has a staff employee, a consultant or an expert qualified to handle the new requirement, the requesting office will be so advised and the necessary arrangements made for joint utilization of the individual already employed, if he is [otherwise] available. If there is no one presently employed and available having the necessary qualifications, the request will receive further processing by the Personnel Office before being sent to the DCI for final approval. Such processing will include a review of the proposed rate of compensation [to determine the rate of compensation to be recommended.]

- d. Following completion of the processing indicated above, requests for the employment of consultants and experts will be forwarded through the DD/A to the DCI for final approval. Upon receipt of DCI approval, the Personnel Office will further process such requests in the same manner as applications for regular employment, to include the following:
- (1) Notifying the requesting Office that the individual has been security cleared.
 - (2) Preparation of a Personal Service Contract, Form 37-53, or an individual contract, and approval of the contract, when necessary, by *Office of the* the General Counsel.
 - (3) Arranging the reporting date of the consultant or expert with the office concerned.
 - (4) Directing the consultant or expert to report to the Security Office

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for photographing, fingerprinting and security briefing prior to the execution of the contract. Suitable arrangements will be made for obtaining the fingerprints of consultants and experts appointed in the field.

7. TERMS OF EMPLOYMENT

a. PERIOD OF SERVICE

(1) Consultants

Consultants may be employed for a fixed or indefinite period not to exceed the fiscal year in which appointed. These periods will normally be less than one calendar month in duration at any one time. If an individual, employed initially as a consultant, serves continuously for one calendar month or more, he becomes for certain purposes, a temporary employee.

(2) Experts

Experts may not be employed continuously in any single capacity in one unit for more than one year regardless of the calendar period over which it is served. Neither may one expert succeed another expert in the same unit performing the same duties when the aggregate of the two periods of service will exceed one continuous year.

b. COMPENSATION

(1) Consultants and experts will be compensated in an amount commensurate with their consultative responsibility and qualifications, or they may serve without compensation.

(2) Consultants and experts serving without compensation will be required to sign an appropriate waiver.

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- (3) The rate of compensation proposed by the requesting office shall be reviewed by the Personnel Office in accordance with paragraph (1) to determine the rate to be recommended to the DCI.

c. TRAVEL

Consultants and experts are entitled to payment or reimbursement of travel expenses and per diem in lieu of subsistence, when traveling between their homes ^{normal} or places of business and Washington, D.C., or other place of duty.

d. OTHER BENEFITS

- (1) Consultants and experts who are serving on an intermittent basis are not entitled to accrue annual and sick leave. Neither are they entitled to Civil Service Retirement or Social Security Benefits. *or are they subject to self employment tax*
- (2) Consultants and experts who serve continuously for one calendar month or more, and thereby become, in effect, temporary employees, are entitled to accrue annual and sick leave in accordance with the provisions of the Annual & Sick Leave Act of 1951 for those periods of service which equal or exceed 90 calendar days. *too many* Social Security deductions will also be made for such individuals.

8. REVIEW OF CONSULTANT AND EXPERT EMPLOYMENT

- a. The Personnel Office will establish and maintain appropriate record systems for calling appointments and contracts up for review at least thirty days prior to their expiration.
- b. Requests for extension of consultant or expert services will be made to the Personnel Office at least one month prior to the expiration of the current agreement. Prior written approval by the Director is required for the renewal or extension of consultant or expert contracts.

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- c. The Assistant Director (Personnel) will review quarterly the employment of consultants and experts by the Agency and take such final action or make such recommendations to the Director in connection therewith as may be appropriate.